

June 11 2021

By ECF

The Honorable Gregory H. Woods
United States District Court, Southern District of New York
500 Pearl Street
New York, New York 10007

Re: In Re: Foreign Economic Industrial Bank
1:19-cv-10841-GHW
In re: Larisa Ivanovna Markus
1:19-cv-10889-GHW
(collectively, the “Subject Appeals”)
REQUEST FOR EXTENSION OF TIME
TO FILE APPELLANTS’ BRIEF FROM
06/14/2021 TO 09/13/2021 (ON
CONSENT)

Dear Judge Woods:

We are the attorneys for LM Realty 31B, LLC; LM Realty 27D, LLC; LM Realty 24C, LLC; LM Realty 23H, LLC; LM Realty 20A, LLC; LM Realty 18 West, LLC; The Larisa Markus Revocable Trust; The Larimar Foundation; Protax Services Inc.; Protax Services Consulting, Inc.; Ilya Bykov; First Integrated Construction, Inc.; and Innovative Construction Group, Inc. (the “Discovery Parties”) in the underlying actions by the same title currently pending before Judge Martin Glenn in the United States Bankruptcy Court, Southern District of New York bearing case no. 19-10096 and case no. 16-13534, respectively (the “Underlying Actions”). There is currently before you an appeal of a discovery order which was entered in the Underlying Actions (the “Subject Decision”). As the Subject Decision was entered in two actions, two separate case numbers (1:19-cv-10841 and 1:19-cv-10889) have been generated as a result of same.

We are writing to request an extension of time to file appellants’ brief. This is the sixteenth request for an extension. The current deadline is June 14, 2021. Appellants are requesting an extension of time to file their appellant brief to and through September 13, 2021. My adversary consents to the request. The reason for the request is that the parties are moving ever closer to finalizing a settlement of the Underlying Actions. The settlement documents have been executed and exchanged between the parties. Moreover, it is my understanding that the Russian court has provided approval of those aspects of the settlement which required such approval (the Underlying Actions are Chapter 15

proceedings originating in Russia). Moreover, the Foreign Representative had made an application to file the settlement agreement under seal with the US Bankruptcy Court- a pre-requisite step pursuant to the terms of the settlement. It is my understanding that an application to have the US Bankruptcy Court approve the settlement will be filed imminently by the Foreign Representative.

As had been previously explained to the Court, settlement of this matter has been prolonged and complicated by the fact that this is originally a Russian bankruptcy proceeding- where matters operate differently than they do here- and involves persons and property located in multinational jurisdictions. At this juncture, it is almost certain that the appeal of the Subject Decision will become moot because of the settlement.

Moreover, this request is consistent with the request for extensions of the discovery deadlines (of the very discovery issues which are the subject of this appeal), requests which have been made jointly and with the consent of my adversary. A copy of the most recent joint request made to the court in the Underlying Actions with respect to the extension of such discovery deadlines- also for 90 days- is annexed hereto as Exhibit A. A copy of the most recent order granting such request is annexed hereto as Exhibit B.

Other than the deadline for appellees to file their respective opposition brief and the deadline to file the reply brief, no other deadlines will be affected by the granting of this request.

I thank the Court for its attention to this matter.

Respectfully submitted,

/s

Daniel A. Singer

cc: all counsel by ECF